

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of )  
 )  
THOMAS A. WOOLLEY )  
 )  
First Class Radiotelegraph Operator's Certificate )  
T100000003 )

**ORDER PROPOSING MODIFICATION**

**Adopted: July 23, 2007**

**Released: July 25, 2007**

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

1. *Introduction.* For the reasons set forth below, we propose to modify the commercial operator license of Thomas A. Woolley (Woolley). Specifically, we propose to modify his radiotelegraph operator's certificate from First Class Radiotelegraph Operator's Certificate T100000003 to Second Class Radiotelegraph Operator's Certificate T200000027.

2. *Background.* To qualify for a First Class Radiotelegraph Operator's Certificate (T1), one must pass certain written and Morse Code examinations, and "have one year of experience in sending and receiving public correspondence by radiotelegraph at a public coast station, a ship station, or both."<sup>1</sup> On November 24, 2003, Woolley, who held Second Class Radiotelegraph Operator's Certificate T200000027,<sup>2</sup> filed an application for a T1. The application did not indicate that Woolley had satisfied the one-year experience requirement. Nonetheless, the application was granted on December 11, 2003, and Woolley was issued First Class Radiotelegraph Operator's Certificate T100000003. Because no person may hold more than one unexpired radiotelegraph operator's certificate at the same time,<sup>3</sup> Woolley's T2 was terminated when his T1 was granted.

3. The Commission subsequently received a complaint that Woolley was not qualified to hold a T1.<sup>4</sup> In response to an inquiry from the Wireless Telecommunications Bureau, Mobility Division,<sup>5</sup> Woolley indicated that he did not meet the one-year experience requirement.<sup>6</sup> He stated that he had filed the T1 application because a Commission employee had told him that the requirement would be waived, in light of the lack of current opportunities to gain the required experience.<sup>7</sup>

<sup>1</sup> See 47 C.F.R. § 13.201(b)(1)(iv).

<sup>2</sup> To qualify for a Second Class Radiotelegraph Operator's Certificate (T2), one must pass certain written and Morse Code examinations, but there is no experience requirement. See 47 C.F.R. § 13.201(b)(2).

<sup>3</sup> See 47 C.F.R. § 13.11(a)(1).

<sup>4</sup> See Letter dated August 2, 2005 from Richard Monjure to Federal Communications Commission.

<sup>5</sup> See Letter dated January 30, 2007 from Scot Stone, Deputy Chief, Mobility Division, Wireless Telecommunications Bureau to Thomas A. Woolley.

<sup>6</sup> See Letter dated April 27, 2007 from Thomas A. Woolley to Ghassan Khalek, Mobility Division, Wireless Telecommunications Bureau.

<sup>7</sup> *Id.*

4. *Discussion.* To the extent Woolley was told that the one-year experience requirement would be waived, he was misinformed.<sup>8</sup> Moreover, erroneous advice from the staff does not bind the Commission to take an action contrary to its rules.<sup>9</sup> It thus appears that Woolley should not have been granted a T1.

5. We believe that Section 316(a)(1) of the Communications Act of 1934, as amended, provides the appropriate vehicle for resolving this matter.<sup>10</sup> Section 316(a) permits the Commission to modify a station license if the action will promote the public interest, convenience, and necessity.<sup>11</sup> We believe that a modification of Woolley's radiotelegraph operator's certificate from First Class Radiotelegraph Operator's Certificate T100000003 to Second Class Radiotelegraph Operator's Certificate T200000027 is appropriate.

6. In accordance with Section 1.87(a) of the Commission's Rules,<sup>12</sup> we will not issue a modification order until Woolley has received notice of our proposed action and has had an opportunity to file a protest. To protest the modification, Woolley must, within thirty days of the release date of this *Order Proposing Modification*, submit a written statement with sufficient evidence to show that the modification would not be in the public interest. The protest must be filed with the Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, S.W., Room TW-A325, Washington, D.C. 20554.<sup>13</sup> If no protest is filed, Woolley will have waived his right to protest the modification and will be deemed to have consented to the modification.

7. *Conclusion.* For the reasons stated above, we conclude that the grant of a T1 was improper. Accordingly, we propose to modify Woolley's radiotelegraph operator's certificate from First Class Radiotelegraph Operator's Certificate T100000003 to Second Class Radiotelegraph Operator's Certificate T200000027.

8. ACCORDINGLY, IT IS PROPOSED, pursuant to Sections 4(i) and 316(a) of the Communications Act of 1934, 47 U.S.C. §§ 154(i), 316, and Section 1.87 of the Commission's Rules, 47 C.F.R. § 1.87, that the radiotelegraph operator's certificate of Thomas A. Woolley BE MODIFIED from First Class Radiotelegraph Operator's Certificate T100000003 to Second Class Radiotelegraph Operator's Certificate T200000027.

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<sup>8</sup> See Robert E. Griffin, *Letter*, 22 FCC Rcd 3696, 3696-97 (WTB MD 2007) (denying a request for waiver of the one-year experience requirement, notwithstanding the lack of current opportunities to gain the required experience).

<sup>9</sup> See, e.g., San Diego MDS Company, *Memorandum Opinion and Order*, 19 FCC Rcd 23120, 23126 ¶ 13 (2004); Allen Leeds, *Order on Reconsideration*, 22 FCC Rcd 1508, 1513 ¶ 11 (WTB 2007), *review pending*.

<sup>10</sup> 47 U.S.C. § 316(a)(1).

<sup>11</sup> *Id.*

<sup>12</sup> 47 C.F.R. § 1.87(a).

<sup>13</sup> The address for FCC locations should be used only for documents filed by United States Postal Service first-class mail, Express Mail, and Priority Mail. Hand-delivered or messenger-delivered documents for the Commission's Secretary are accepted only at our new location at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service, Express Mail, and Priority Mail) should be addressed for delivery to 9300 East Hampton Drive, Capitol Heights, MD 20743. See FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, *Public Notice*, 16 FCC Rcd 22165 (2001).

9. IT IS FURTHER ORDERED that this *Order Proposing Modification* shall be sent by certified mail, return receipt requested, to Thomas A. Woolley, 14779 E. Nanry St., Whittier, CA 90605-1851.

10. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone  
Deputy Chief, Mobility Division  
Wireless Telecommunications Bureau